

In order to make a proper anticipation rejection, the reference must disclose or imply all limitations found within the claims at issue. In the present case, while certain of the limitations set forth in the present claims are disclosed in the reference, other limitations are not disclosed or implied.

First, all of the present claims clearly require an activated matrix present. As described in the specification, the activated matrix binds the molecule of interest and allows the reagent tag to be clearly identified in the analysis target area. The steps used for activating the matrix in order to bind the molecule of interest and/or the reagent tag are set forth in the specification on pages 14-16 and also set forth in FIG. 7. The specification clearly shows, for the different embodiments of the invention, that the matrix is activated, washed, the reagent tag is applied, the activated matrix is washed again, and the reading is taken.

The Narayanan reference does not disclose or imply using an activated matrix and clearly uses a completely different method of presenting a specimen for detection when compared to the present invention. The device described in Narayanan uses a gel, sandwiched between two glass plates. A specimen is provided via syringe at the top of the "gel sandwich" and is detected using a motorized device that moves up and down along the "gel sandwich" (somewhat like a copy machine). The gel is in no way activated and, appears to merely be placed between the glass plates so that the liquid specimen doesn't merely rush to the bottom of the plates (it is merely a physical barrier). Such a device is far less precise than the present invention and it would be extremely problematic to use the device for detection of small volumes of specimen. Also, one skilled in the art would not be drawn to modify the disclosure to make the gel an activated matrix because

it would require completely redesigning the entire device (since it operates in a completely different manner than the present invention).

Further, regarding claims 12 and 15, it is clear that the Narayanan reference does not disclose the limitation of an analysis target area having a portion free of solid phase. The gel is found throughout the analysis target area in the reference and, the device disclosed within the reference would not work if the gel was not present (because the specimen would run out of the ATA). Also, it follows that the specific limitations set forth in claim 15 regarding the extensions that allow a bubble to be formed for analysis are also not disclosed or implied in the reference.

Therefore, it is clear that any anticipation rejection using Narayanan as a reference is improper.

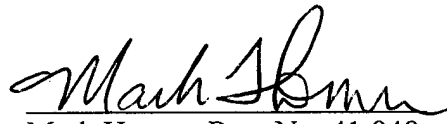
Also, claims 18-20 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Narayanan et al. in view of Hammock et al. (U.S. 6,395,562). In response, applicants merely repeat the above arguments as they clearly show that many of the limitations found within these claims are not found in the Narayanan reference. As noted above, there would be no impetus and also no reasonable way from a technical perspective to modify Narayanan to work with an activated matrix therein. Therefore, it is clear that Narayanan, in combination with any reference, does not make the present invention obvious.

Applicants note that the response to the previous Action in this case specifically stated that "**none** of the references, including Giebler et al., disclose an analysis target area that has an activated matrix therein." (bold added for emphasis). Therefore, applicants did make this argument in the last response provided in this case. Also, the

last response specifically notes (at the top of page 7 of the response) that the examiner did not discuss the limitations found within claim 15, noted above, in the previous Action, as was also the case in this Action. Applicants strongly request that any future Actions related to this case address these issues as it is unfair to applicants and makes it extremely difficult, if not impossible, to prosecute this case without said issues addressed.

Accordingly, applicants believe that claims 7-12, 15, and 17-20 are in condition for allowance and respectfully requests the examiner to withdraw all objections and rejections and allow said claims. Should the examiner need more information regarding this matter or have further suggestions regarding this application, feel free to call the undersigned at 401-832-6679.

Respectfully submitted,



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